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DATE: MARCH 4, 2003

NUMBER OF PAGES (INCLUDING  
THIS TRANSMITTAL COVER SHEET):

TIME: 11:47 AM

YOUR REFERENCE: 09/787,004

OUR REFERENCE: 209684

**TO: EXAMINER LESLIE WONG**  
**GROUP 1761**  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C.

TELEPHONE NUMBER: (703) 308-1979  
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FROM: MARK JOY, REG. NO. 35,562

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**FAX RECEIVED**  
MAR 05 2003  
**GROUP 1700**

**PATENT**  
Attorney Docket No. 209684  
Client Reference N .  
Dat : March 4, 2003

In re Application of: Vermin et al.  
Application No. 09/787,004  
Filed: May 23, 2001  
For: DAIRY PRODUCT AND METHOD FOR PREPARING SAME

**COMMISSIONER FOR PATENTS**  
Washington, D.C. 20231

Sir:

Transmitted herewith is a response to an office action in the subject application.

☐ Applicants claim small entity status of this application under 37 CFR 1.27.

☒ Petition for Extension of Time

☒ Applicants petition for a two-month extension of time under 37 CFR 1.136, the fee for which is \$410.00 (enclosed).

☐ Applicants believe that no petition for an extension of time is necessary. However, to the extent that such petition is deemed necessary, Applicants hereby petition for a sufficient extension of time to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.

☐ No additional claim fee is required.

☐ Other:

The claim fee has been calculated as shown below:

					SMALL ENTITY		OTHER THAN A SMALL ENTITY		
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADDIT. CLAIM FEE	RATE	ADDIT. CLAIM FEE	
TOTAL	21	MINUS	20	=1	x 9=	\$	x 18=	\$18.00	
INDEPENDENT	3	MINUS	3	=0	x 42=	\$	x 84=	\$0.00	
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM					+ 140=	\$	+ 280=	\$
						TOTAL	\$	TOTAL	\$18.00

☒ Please charge my Deposit Account No. 12-1216 in the amount of \$428.00. A duplicate copy of this sheet is attached.

☐ A check in the amount of \$ is attached.

☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216. A duplicate copy of this sheet is attached.

☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LEYDIG, VOIT & MAYER, LTD.

By   
Mark J y, Reg. No. 35,582

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RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1761

PATENT  
Attorney Docket No. 209684

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Vermin et al.

Application No. 09/787,004

Art Unit: 1761

Examiner: Leslie Wong

Filed: May 23, 2001

For: DAIRY PRODUCT AND METHOD FOR  
PREPARING SAME

RESPONSE TO OFFICE ACTION

Commissioner for Patents  
Box AF  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated October 18, 2002, please enter the following amendments and consider the following remarks.

AMENDMENTS

IN THE CLAIMS:

Please amend claims 1, 6, and 11-14 as follows:

1. (Amended) A method for preparing a dairy product comprising the steps of:
- (a) adding a lactose-negative, food-technologically acceptable micro-organism to a medium comprising milk or a milk product;
  - (b) ripening said micro-organism under aerobic conditions; and
  - (c) bringing the resulting product under anaerobic conditions such as to have aromas of the ripening strain formed.

6. (Amended) The method according to claim 1 in which the dairy product is sterilized.

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